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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,067	07/11/2003	Steven J. Hogan	FRONTR.0026P	5881

7590 07/27/2005  
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EXAMINER

NGUYEN, DUC MINH

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/619,067

Applicant(s)

HOGAN ET AL.

Examiner

Duc Nguyen

Art Unit

2643

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 37-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 37-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 37-43 are rejected under 35 U.S.C. 102(b) as being anticipated by An et al (4,726,056).

Consider claim 37. An teaches a method for processing a calling card call (column(s) 6, line(s) 56-60) from a caller to determine the rate associated with the call, comprising receiving a called number (column(s) 6, line(s) 43-46); receiving a caller identifier (column(s) 6, line(s) 46-56); generating at an operator module, a request for a rate quote (see the entire abstract; column(s) 3, line(s) 60 through column(s) 4, line(s) 9); sending the request for the rate quote to a rating system (rating system 10), wherein the rate quote module performing a database look-up based on the called number and the caller identifier (column(s) 2, line(s) 3-60; see fig(s) 4; column(s) 7, line(s) 37 through column(s) 14, line(s) 5); generates a rate quote (see the entire abstract; fig(s) 2-7; column(s) 5, line(s) 67 through column(s) 6, line(s) 14); and sends the rate quote to the operator module (see the entire abstract; fig(s) 2-7; column(s) 5, line(s) 67 through column(s) 6, line(s) 14).

Consider claim 38. An further teaches the database look-up is also based on time and date information (column(s) 13, line(s) 37-50; column(s) 14, line(s) 6-20).

Art Unit: 2643

Consider claim 39. An further teaches the request for the rate quote comprises a request to assign a rate to the call (see the entire abstract; fig(s) 2-7; column(s) 5, line(s) 67 through column(s) 6, line(s) 14).

Consider claim 40. An further teaches the caller identifier comprises rate information assigned to a caller's network access number (column(s) 6, line(s) 40-63).

Consider claim 41. An further teaches, for non-postalized rates, the rating system computes the distance using vertical or horizontal coordinates of an originating location and a location of the called number (column(s) 11, line(s) 12-17; column(s) 11, line(s) 47 through column(s) 12, line(s) 11).

Consider claim 42. An further teaches the rate system assigns a single rate to all calls and the rate is cost per time unit (column(s) 13, line(s) 25-36).

Consider claim 43. An further teaches the rate comprises a cost per call (see the entire abstract; e.g., calculating charges for telephone calls in real-time; column(s) 4, line(s) 10-28).


### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Nguyen whose telephone number is (571)272-7503. The examiner can normally be reached on 7:00AM-3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kuntz Curtis can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2643

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Duc Nguyen  
Primary Examiner  
Art Unit 2643

7/22/05